IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET.
CIVIL APPLICATION NO.1395 OF 2004
IN
SECOND APPEAL NO.352 OF 1993

Rajendra Ganesh Kulkarni ...Applicant

vs.

Prakash Ganesh Kulkarni & Ors. ...Respondents

CORAM: A.S.OKA,J.
DATE : FEBRUARY 24, 2005.

P.C.:

1. The prayer in this application is for stalling the partition proceedings initiated on the basis of the decree for partition passed in Regular Civil Appeal No.70 of 1989. Except for Respondent Nos.1 and 2 no other party in Regular Civil Appeal No.70 of 1989 is a party to the present Second Appeal. The present Second Appeal arises out of a suit for specific performance filed by the Appellant against the Respondent No.1. In this Second Appeal, proceedings for partition initiated on the basis of decree for partition which has attained finality cannot be stayed behind the back of the persons for whose benefit the said decree is passed.

2. Hence application is devoid of any merit and the same is rejected.

3. Parties to act upon an authenticated copy of this order.

JUDGE.